THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18632 of 1998

Dated: 07.03.2007

Between:

Sri Sarada Nilayam High School, Kadapa,
represented by its Correspondent
B.Venkataramaiah.

..... PETITIONER

AND

State of A.P., rep., by its Secretary to the
Government, Revenue (ASSN.IV) Department,
Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18632 of 1998

ORDER:

This writ petition is filed questioning G.O.Ms.No.298 Revenue (ASSN.IV) Department, dated 21.03.1996 issued by the first respondent, whereby, the land admeasuring Ac.0.40 cents in Sy.No.30/2/B1A1 alienated in favour of the petitioner under G.O.Ms.No.182 Revenue (G) Department, dated 25.01.1980, for the purpose of extension of its building, is cancelled.

It is the case of the petitioner that it was established in the year 1921. The Government, under G.O.Ms.No.182 Revenue (G) Department, dated 25.01.1990, alienated the land admeasuring

Acs.0.40 cents in Sy.No.30/2B/1A1/22, situated at Kadapa District, in favour of the petitioner for the purpose of extension of its building on payment of market value of Rs.4,000/-, by imposing certain conditions. Subsequently, the Government, by its order in G.O.Ms.No.298 Revenue (Assn.IV) Department, dated 21.03.1996, cancelled the said alienation alleging that the District Collector reported that the petitioner has not so far put the land to use, although it was supposed to do so within two years of alienation, which was one of the condition imposed in G.O.Ms.No.182 dated 27.05.1990. Pursuant to the said G.O, the fourth respondent, by his proceedings dated 02.06.1998, directed the Additional Revenue Inspector to take possession of the land in question. It is the further case of the petitioner that it attempted to extend the school building several times, but due to the civil dispute between it and the adjoining mosque committee, it could not proceed further, but it has been using the said land as play ground. However, without considering the said aspects and without giving any opportunity to the petitioner, the impugned orders have been passed. Hence, this writ petition.

Despite service of notice, the respondents have not filed any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Evidently, the land in question was sold in favour of the petitioner as early as in the year 1990 as per G.O.Ms.No.182 dated 25.01.1990. Even though the petitioner is alleged to have violated the conditions imposed in G.O.Ms.No.182, the petitioner ought to have been issued a notice before canceling the said alienation. Apparently, no notice was issued to the petitioner before canceling the said alienation and before

passing the order, dated 02.06.1998. Hence, this Court has no hesitation to hold that the said cancellation is violative of principles of natural justice.

Accordingly, the writ petition is allowed, and G.O.Ms.No.298 Revenue (Assn.IV) Department, dated 21.03.1996 issued by the first respondent and the consequential order dated 02.06.1998 passed by the fourth respondent are hereby set aside. The respondents are directed to issue notice to the petitioner before initiating any action for cancellation of the alienation of the land in question. There shall be no order as to costs.

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07.03.2007

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